

May 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 10-0215

STEPHEN MOCKO,

Petitioner,

v.

JUSTICE COURT #2, LINCOLN COUNTY,
LINCOLN COUNTY ATTORNEY,

Respondents.

ORDER

FILED

MAY 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Stephen Mocko (Mocko) has filed an Emergency Petition for Writ of Prohibition and/or the Alternative Writ of Mandate, and moved for leave to proceed without paying the filing fee. The motion and affidavit to proceed without paying reveal that Mocko is employed 40 hours per week and earns \$14.00 per hour. Mocko also stated that he has \$7,000 in cash, checking or savings accounts.

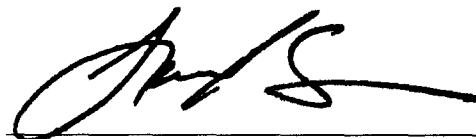
It is clear that Mocko has income and owns assets that exceed that which would allow him to proceed without paying the filing fee. Therefore,

IT IS ORDERED that the request to proceed without paying the filing fee is DENIED.

IT IS FURTHER ORDERED that Mocko shall pay the required filing fee within 30 days of the date of this Order. Failure to do so shall result in the dismissal of this cause.

The Clerk is directed to provide a copy of this Order to Hon. Stormy Langston, Lincoln County Justice of the Peace, to County Attorney Bernard G. Cassidy, and to Mocko.

DATED this 11th day of May, 2010.



Michael E. White

W. William Snyper

Patricia Cotten

Jim Rice

Justices